D.B. CRIMINAL PAROLE WRIT PETITION NO. 6239/2006
(Bahadur Vs. State & Ors.)

DATE OF ORDER : 08.11.2006

HON'BLE MR. JUSTICE N.N.MATHUR
HON'BLE MR. JUSTICE MANAK MOHTA

By post.
Mr. O.P.Rathi, Public Prosecutor.

The instant petition has been registered on the letter of convict–Bahadur, who is undergoing a sentence of imprisonment for life of offence under Section 302 IPC. The jail department has furnished requisite information in the prescribed proforma. The petitioner has undergone a substantive sentence of 14 years and 02 months. He has also earned remission of 04 years. The petition is premature as he has not made any application before the appropriate authority for release on parole. It is made clear that this Court has no power to release a person on parole. This court has power of judicial review in exercise of powers under Article 226 of the Constitution of India, where a prayer for parole has refused. Since, the petitioner has not made any application for parole before the appropriate authority, the question of judicial review does not arise.

Accordingly, the petition stands dismissed.

(MANAK MOHTA),J. **(N.N.MATHUR),J.**

ms rathore